

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FEDERAL TRADE COMMISSION and STATE OF
ILLINOIS

Plaintiffs,

v.

ADVOCATE HEALTH CARE NETWORK,
ADVOCATE HEALTH AND HOSPITALS
CORPORATION, and NORTHSORE
UNIVERSITY HEALTHSYSTEM,

Defendants.

Case No. 1:15-cv-11473

Judge Jorge L. Alonso
Magistrate Judge Jeffrey N. Cole

**MOTION OF PROPOSED INTERVENOR LAND OF LINCOLN HEALTH, INC.
TO PLACE CERTAIN EXHIBITS UNDER SEAL**

Land of Lincoln Health Inc. has produced documents and presented a corporate designee for deposition in response to subpoenas from the Plaintiffs and Defendants. Recently, Plaintiffs provided notice to Land of Lincoln that a declaration executed by one of its executives and the deposition testimony of its corporate designee might be introduced at the hearing that is scheduled in this action.

Certain statements in the declaration, and some of the deposition testimony, reveals HIGHLY CONFIDENTIAL information of Land of Lincoln, as defined by the Court's Agreed Confidentiality Order, dated January 8, 2016. [ECF No. 36.] In a separate motion, Land of Lincoln has requested that this Court enter an order granting leave for it to intervene.

By this motion, Land of Lincoln requests that the Court enter an order directing (1) that the HIGHLY CONFIDENTIAL information that it has produced to Plaintiffs and Defendants be

further designated for “Complete Non-Disclosure” should any of this information be presented at the hearing in this action and (2) that the information be placed under seal if filed with the Court. In support of this motion, Land of Lincoln further states:

A. Factual Background

1. Land of Lincoln Health, Inc. is an Illinois-based health insurance company that was formed in 2013. It was created as a Consumer Operated and Oriented Plan under the Affordable Care Act and serves thousands of individuals and families who reside primarily in the Chicago-area.

2. Defendants and Plaintiffs have each sought discovery from Land of Lincoln relating to multiple subject matters that the parties believe are relevant to the claims and defenses in this action.

3. For their part, Defendants served Land of Lincoln with three subpoenas: one subpoena sought documents on twenty-two subject matters; the second was for the deposition of Land of Lincoln’s President, and the third was for the deposition of a corporate representative of Land of Lincoln to testify on twenty-two topics. Plaintiffs served a single subpoena on Land of Lincoln, seeking the documents that were being provided to Defendants.

4. After meeting and conferring with both Defendants and Plaintiffs to narrow the scope of the requests and a plan for the response, Land of Lincoln has produced documents in response to the subpoenas, many of which contain information designated CONFIDENTIAL or HIGHLY CONFIDENTIAL pursuant to this Court’s Confidentiality Order. [ECF No. 36, ¶ 2.]

5. Land of Lincoln also presented a corporate designee for an oral deposition on March 10, 2016; Jason R. Montrie served as this witness. The transcript was provisionally designated as HIGHLY CONFIDENTIAL without objection by Plaintiffs or Defendants.

B. Events Giving Rise To This Motion

6. Recently, on March 28, 2016, Land of Lincoln received notice from Plaintiffs that they have placed two of Land of Lincoln's documents on their exhibit list that contain HIGHLY CONFIDENTIAL information, and that these materials may be presented at the hearing. Plaintiffs indicated that this notice was being provided pursuant to the Parties Proposed Joint Pre-Hearing Stipulation, dated March 24, 2016. [ECF. No. 213.]

7. One of the documents was a declaration of Mr. Montrie dated October 30, 2015, and is identified PX03005-001. The second "document" which Plaintiffs have identified is the transcript of Mr. Montrie's March 10, 2016 deposition. Since receipt of Plaintiffs' notice, Land of Lincoln has reviewed the transcript in further detail and has determined that various portions reveal Land of Lincoln's information that is HIGHLY CONFIDENTIAL, as indicated in the following table:

Reference	Page/Line
1	11:3 – 11:24
2	12:23 – 14:17
3	15:3 – 15:11
4	16:13 – 16:19
5	17:9 – 18:6
6	18:3 – 18:20
7	21:9 – 21:17
8	23:7 – 24:8
9	25:18 – 26:2
10	26:21 – 27:4
11	35:20 – 36:10
12	40:18 – 41:14

Reference	Page/Line
13	41:18 – 42:1
14	43:17 – 43:24
15	56:14 – 56:16
16	61:1 – 61:24
17	69:24 – 70:20
18	72:12 – 72:17
19	73:2 – 76:6
20	85:8 – 85:22
21	87:20 – 88:13
22	96:23 – 97:9
23	98:21 – 100:9
24	106:11 – 106:14
25	111:21 – 112:6
26	114:7 – 116:9
27	119:15 – 120:22
28	126:11 – 128:24
29	136:12 – 136:22
30	137:18 – 138:6
31	144:18 – 145:24
32	146:1 – 147:4
33	148:3 – 149:19

8. The exhibit PX03005-001 and the above portions of Mr. Montrie’s deposition reveal Land of Lincoln’s business practices, financial information, and marketing and planning strategy that it is not disclosed publically and is properly designated HIGHLY CONFIDENTIAL.

C. Request To Further Designate for “Complete Non-Disclosure” and Place Under Seal

9. Plaintiffs and Defendants, in their Joint Pre-Hearing Stipulation, have proposed that non-parties should be provided the opportunity to request that HIGHLY CONFIDENTIAL information produced in this action could be further designated for “Complete Non-Disclosure.”

10. The protections afforded by this further designation will adequately protect the confidentiality of Land of Lincoln’s information and its interests. Accordingly, Land of Lincoln respectfully requests that, in the event that **PX03005-001**, or any of the portions of the March

10, 2016 Deposition identified in the table above are to be offered as evidence or otherwise used at the hearing, that they be designated for Complete Non-Disclosure pursuant to the terms of the Joint Pre-Hearing Stipulation. Land of Lincoln further requests that these materials be placed under seal in the event that they are filed with the Court.

Respectfully Submitted,

LAND OF LINCOLN HEALTH, INC.

By: /s/Paul Olszowka
One of its Attorneys

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CERTIFICATE OF SERVICE

The undersigned hereby states that the above MOTION OF PROPOSED INTERVENOR LAND OF LINCOLN HEALTH, INC. TO PLACE CERTAIN EXHIBITS UNDER SEAL was served on all parties of record, via this Court's ECF filing system on April 1, 2016.

/s/Paul Olszowka_____